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8 *Attorneys for Defendant
Sam's West, Inc.*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 SAMUDRAJA WEERABAHU,

12 Plaintiff,

13 v.

14 SAM'S WEST, INC., a Delaware Corporation
15 doing business as SAM'S CLUB; and DOES I –
X, Unknown Persons or Entities,

16 Defendants.

17 Case No.: 2:21-cv-00702-JCM-DJA

18 **STIPULATION TO EXTEND DISCOVERY**
DEADLINES

19 **(First Request)**

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22 COME NOW, Defendant SAM'S WEST, INC. dba SAM'S CLUB ("Sam's Club" or
23 "Defendant"), by and through its counsel of record, the law firm of PHILLIPS, SPALLAS &
24 ANGSTADT, LLC, and Plaintiff SAMUDRAJA WEERABAHU ("Plaintiff"), by and through her
25 counsel of record, the law firm of RYAN ALEXANDER, CHTD., and hereby stipulate to extend the
26 scheduled deadlines and seek this Honorable Court's order according with the following terms, pursuant
27 to LR 26-3:
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DISCOVERY COMPLETED

To date the Parties in this action have conducted discovery as follows:

- The Parties conducted their Rule 26(f) conference via telephone on May 11, 2021;
- Plaintiff propounded written requests for admission, requests for production, and interrogatories on June 24, 2021;
- Plaintiff served initial Rule 26(a) disclosures on June 25, 2021;
- Defendant propounded written requests for admission, requests for production, and interrogatories on July 6, 2021, which were served via facsimile and U.S. mail;
- Defendant served initial Rule 26(a) disclosures on July 7, 2021;
- Plaintiff provided written authorizations for release of records on July 30, 2021;
- Defendant served its first supplemental Rule 26(a) disclosures on August 4, 2021;
- Defendant served responses to plaintiff's first set of interrogatories on August 5, 2021;
- Plaintiff served her responses to Defendant's first set of requests for production on August 6, 2021, via U.S. Mail;
- Defendant served its second supplemental Rule 26(a) disclosures on August 9, 2021;
- Defendant served its responses to Plaintiff's first set of requests for production on August 9, 2021.
- Plaintiff served her first supplemental Rule 26(a) disclosures on August 9, 2021;
- Plaintiff served her responses to Defendant's first set of interrogatories on August 9, 2021, via U.S. Mail;
- Plaintiff served her responses to Defendant's first set of requests for admission on August 9, 2021, via U.S. Mail.

DISCOVERY THAT REMAINS TO BE COMPLETED

24 Defendant seeks additional time to subpoena Plaintiff's medical records from her treating
25 providers, because Plaintiff's response to Defendant's Interrogatory Number 11 served via mail on
26 August 9th confirms that Plaintiff has preincident medical records from three of her treating providers.
27 Furthermore, Plaintiff's initial disclosures served on June 25, 2021, only provided a computation of
28 damages for past medical specials, and not any other category. Defendant only learned about Plaintiff's

1 claim for lost wages when Plaintiff served her first supplemental disclosures via U.S. Mail only, on
 2 August 9, 2021. These disclosures were Defendant's first notice about the need to retain an expert
 3 regarding Plaintiff's lost-wages claim, and the need to obtain discovery about Plaintiff's employment
 4 history, conduct depositions of Plaintiff's employer, including her supervisor, subpoena Plaintiff's IRS
 5 records, and depose Plaintiff herself about her employment and income histories (in addition to deposing
 6 her about her preincident medical history, which Defendant learned about in Plaintiff's interrogatory
 7 responses served August 9, 2021, via U.S. Mail only). In short, Defendant only learned about Plaintiff's
 8 claim for lost wages and the existence of her preincident medical records within the last two weeks, by
 9 way of responses and disclosures Plaintiff served less than two weeks ago, via U.S. Mail. Defendant is
 10 already in the process of subpoenaing these preincident medical records. Defendant agrees not to
 11 exclude the claim for lost wages, but it should be allowed additional time to conduct discovery about it.
 12 Plaintiff will be conducting a Rule 34 site inspection and conducting additional depositions, including
 13 a Rule 30(b)(6) deposition.

14 **REASONS FOR REQUESTING AN EXTENSION OF DEADLINES**

15 The Parties have been working diligently to complete discovery in this matter. The Parties
 16 anticipate that liability is going to be heavily disputed, warranting more time for the Parties to obtain
 17 and review records in response to Defendant's subpoenas. Furthermore, the Parties request additional
 18 time to conduct depositions, the site inspection, resolve any discovery disputes, retain and disclose
 19 experts and their reports (including defense experts regarding Plaintiff's lost wages claim and to review
 20 Plaintiff's preincident medical records), and analyze all of the foregoing to prepare for dispositive-
 21 motion practice and/or trial. Accordingly, the Parties request a 60-day extension of the remaining
 22 deadlines in this matter, including the August 20, 2021, deadline for disclosing experts. *See Morrison*
 23 *v. Sam's West, Inc.*, Case No. 2:18-cv-00353-RFB-BNW, ECF 72 (D. Nev. Oct. 23, 2019). The Parties
 24 believe the foregoing constitutes good cause to extend the upcoming deadlines and for doing so within
 25 21 days of the expert-disclosure deadline, while understanding that this Honorable Court will insist on
 26 a speedy administration of this case and will not tolerate undue delays or dilatory conduct. The Parties
 27 will work together to diligently prosecute this case and avoid wasting the Court's time.

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PROPOSED SCHEDULE TO COMPLETE REMAINING DISCOVERY

According to the Court's Stipulated Discovery Plan and Scheduling Order Under Rule 26(f) and LR 26-1(b) entered on June 3, 2021 [ECF No. 6], the current deadlines are as follows:

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|---|--------------------|
| 1. Discovery Cutoff Date: | October 19, 2021 |
| 2. Deadline to Amend Pleadings and Add Parties: | PASSED |
| 3. Deadline to Disclose Expert Witnesses: | August 20, 2021 |
| 4. Deadline to Disclose Rebuttal Witnesses: | September 20, 2021 |
| 5. Dispositive-Motion Deadline: | November 19, 2021 |
| 6. Filing Pretrial Order: | January 7, 2022 |

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1 The Parties hereby stipulate to the following new deadlines and ask the Court to allow the
2 same:

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|---|-------------------|
| 3 1. Discovery Cutoff Date: | December 19, 2021 |
| 4 2. Deadline to Amend Pleadings and Add Parties: | PASSED |
| 5 3. Deadline to Disclose Expert Witnesses: | October 19, 2021 |
| 6 4. Deadline to Disclose Rebuttal Witnesses: | November 18, 2021 |
| 7 5. Dispositive-Motion Deadline: | January 18, 2022 |
| 8 6. Filing Pretrial Order: | March 8, 2022 |

9
10 DATED this 20th day of August, 2021.

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16 PHILLIPS SPALLAS & ANGSTADT LLC
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18 Las Vegas, Nevada 89101

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20 *Attorneys for Defendant*
21 *Sam's West, Inc.*

22 DATED this 20th day of August, 2021.

23 */s/ Ryan Alexander (with approval)*

24 RYAN ALEXANDER, ESQ.
25 Nevada Bar No. 10845
26 RYAN ALEXANDER, CHTD.
27 3017 West Charleston Boulevard, Suite 10
28 Las Vegas, NV 89102

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30 *Attorney for Plaintiff*

31 IT IS SO ORDERED:

32 
33 Daniel J. Albrechts
34 United States Magistrate Judge

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36 DATED: August 23, 2021